

Order

Entered: October 24, 2003

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

123171

TOMO PERKOVIC,
Plaintiff-Appellee,

v

AARON WILLIAM BROWN,
Defendant-Appellant.

SC: 123171
COA: 235699
Macomb CC: 00-004399-NI

On order of the Court, the parties having presented oral argument on the application for leave to appeal, the application is further considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the November 15, 2002 judgment of the Court of Appeals and REINSTATE the summary disposition entered by the Macomb Circuit Court. Having found that defendant's negligence cannot be determined on the record, the Court of Appeals clearly erred when it reversed the Macomb Circuit Court's decision to grant defendant's motion for summary disposition pursuant to MCR 2.116(C)(10). *Maiden v Rozwood*, 461 Mich 109, 120-121 (1999).

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I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 24, 2003

Corbin R. Davis

Clerk